

Sat. 1/5/91 - Bflo News

Former executive pleads guilty to one count in child porn case

By DAN HERBECK
News Staff Reporter

David C. Maday, a former Buffalo meat-packing executive, pleaded guilty Friday in U.S. District Court to one of 29 child pornography charges filed against him in 1988.

The other charges will be dismissed under the plea agreement.

"He's pleading guilty to the one count that we feel could have survived a trial and appeal," said his attorney, Mark Mahoney.

Maday, 43, of 5 Brittany Lane faces up to 10 years in prison and a fine up to \$100,000 under the agreement, said Assistant U.S. Attorney Martin Littlefield.

U.S. District Judge John T. Curtin set sentencing for March 8.

Maday was indicted in February 1988 on charges that he traf-

ficked in magazines containing hundreds of obscene photos of young boys engaged in sex activities, Littlefield said. The indictment followed a sting investigation by inspectors from the U.S. Postal Service. Further child pornography charges were placed against him in September 1988.

Maday also has faced weapons, drug and other charges in Buffalo.

In May, Maday was granted a conditional discharge by City Judge Raul Figueroa after prosecutors offered him a plea deal to a weapons-possession charge resulting from a raid at his home on June 19, 1987.

Maday admitted possessing an unregistered handgun during the raid. In return for his plea on the weapons charge, prosecutors dropped charges of misdemeanor

cocaine possession and unlawful dealing in fireworks.

In July 1989, City Judge Michael F. Pietruszka placed Maday on probation for three years in a child-endangerment case linked to attempts to seduce a 13-year-old boy in July 1987.

Also in July 1987, federal authorities confiscated Maday's 33-foot boat, "Mr. Buffalo," after a small amount of cocaine was seized from the vessel.

Littlefield said he plans to "vigorously present volumes of information" to Curtin in support of a stiff sentence against Maday.

Mahoney said his client has been through a difficult time because of television, radio and newspaper accounts of his arrests. He said Maday is now working in the investment field.

Porn Suspect Abused Him

By MATT GRITA C-4

A Buffalo teen-ager has told police that David C. Maday, a reputed target of a probe of trafficking in child-pornography, had fondled him, but urged him not to tell anyone because "our relationship was like a father and son relationship."

The boy, now 14, told detectives that Maday, 40, assured him a day after the alleged incident that sexual intimacy between them "was OK" because Maday's father had done it to him.

The boy's statement was filed Thursday in Buffalo City Court afternoon after Maday pleaded innocent to sex abuse and child-endangerment charges for allegedly fondling the boy in his car last July.

The boy told police he met Maday last October after Maday contacted a Bailey-Lovejoy area community agency looking for boys who could do work around his West Side home.

The boy told police he actually did physical labor around Maday's home, with his mother's permission, and then developed what he also considered to be a relationship that was "almost like father and son," with Maday giving him his own bedroom in the bachelor defendant's home.

"He said it was OK, that his father did it to him, that it was like a father and son relationship, and that I don't have to tell anyone about it," the boy is quoted as telling police Sept. 24 in Buffalo Police Headquarters.

In his statement, the boy told police he cannot remember the date of the alleged fondling. He said it happened just before his 14th birthday in mid-July.

Maday and his attorney, Mark J. Mahoney, declined comment after City Judge Joseph P. McNamara placed Maday on his own recognizance pending proceedings at 2 p.m. Nov. 16.

Maday, who also has a Canadian residence, listed his occupation as "self-employed."

He was served with a criminal warrant in the case Wednesday night at his home at 5 Brittany Lane. He already had City Court proceedings scheduled next week for two unrelated drug arrests earlier this year.

In September, U.S. Magistrate Edmund F. Maxwell unsealed court papers, including a diary in which Maday allegedly recorded nine years of sexual encounters with young boys. The diary was seized in a nationwide sting operation, based in Washington, D.C., on child pornography.

In his statement, given several days after he talked to his mother, the Buffalo boy said he pushed Maday's hand from him after Maday grabbed him sexually as they were driving in July to a Buffalo marina where Maday kept a boat.

The boy said neither he nor Maday talked about the incident in the car, but Maday brought it up the next day, assuring him that such activity was proper due to their close relationship.

The boy, according to statement, also told police, that Maday had once kissed him and was frequently "rubbing my leg when we were in the car."

Around Christmas time while he was spending time at Maday's

Contradictions Mark Man Named in Probe Of Child Pornography

SEP 2 0 1987

15A

By GENE WARNER

A conflicting portrait emerges of David C. Maday — the former Buffalo businessman who was named last week as a suspect in a federal "sting" that targeted people across the nation who obtain child pornography through the mail.

A model citizen and community volunteer, some people say. A collector of child pornography, with a keen interest in spending his spare time with boys, others point out.

Even a police officer who has arrested Maday on drug charges agrees with friends of the 40-year-old businessman that he is a "super nice guy" and "very smooth" with people.

"He was a model citizen who was everyone's friend," one source said.

In 1981, when he served as vice president of Joseph Malecki Inc. in Cheektowaga, Maday was elected president of the Greater Buffalo Associated Meat Industry. Two years later, he received that organization's "Man of the Year Award."

He spent much of his spare time as a volunteer with youth service agencies, including about three years as a volunteer with one such organization. He left the agency in a disagreement over his role in the organization in 1981, one of its officials said.

"He was very civic-minded," one source said. "He offered to sponsor trips on his boat and camping trips for kids."

But David Maday has another, darker side.

Law-enforcement sources have identified him as a suspect in a federal investigation into child pornography, although no charges have been filed against him.

A search of his home this summer revealed snapshots of young boys involved in lewd acts and diaries that detailed various sexual encounters with boys, law-enforcement officials have said.

An affidavit that postal inspectors filed in federal court to obtain a search warrant for Maday's home stated that, on six occasions in 1984, U.S. Customs officials seized child pornography magazines and advertising, including two magazines entitled "Joyboy #30" and "Superboy #31."

On all six occasions, the periodicals were addressed to David Maday at his home at 5 Brittany Lane, the affidavit states.

"There is an investigation that's pending involving that individual, but that's all I'll say," Interim U.S. Attorney Roger P. Williams said this weekend.

Erie County District Attorney Richard J. Arcara said that his office still is investigating the possible violation of child-pornography laws in Buffalo. He refused to comment further.

Thomas C. Pares, Maday's attorney, also declined to comment.

On June 23 and 24, federal authorities seized 14 cassette recordings at Maday's home. Those tapes are being reviewed to determine whether they contain conversations pertaining to child pornography.

On one tape recording of a December 1979 conversation with a man in California, Maday was asked, "Still kids, huh?"

"Oh yeah, I'll be a perennial chicken queen," he replied, according to the transcripts. "Anything after 20 is old."

Portrait of a Young Boy as Victim

By GENE WARNER

became a prostitute at the age of 15. A man offered \$50 to perform sodomy on him, he took it.

That was like a million dollars to me," he says now, 13 years later.

Charles Michael Foutz prostituted himself for years, hustling regularly on the streets of Buffalo, Toronto and New York City. And during that time, he kept a diary. He claims he made \$150,000 for his work, money that he spent away on drugs.

Foutz grew up in Buffalo's Kaisertown. He is now in California, and at 28 is paying the price for his childhood prostitution, as a psychiatric patient in a Southern California Veterans

Former Male Prostitute Tells of a Wasted Life

Hospital. "I feel these people stole my life," he said about the people who paid him for sexual acts. "I could have gone to college and been somebody. They robbed me of my youth, my education and my mentality."

Foutz's name — he has been known by two different names in his life — has surfaced in the federal investigation into the activities of David C. Maday, of Brittany Lane in Buffalo. Federal prosecutors claim they have Maday's diary that

shows nine years of sexual encounters with young boys.

Maday, however, has not been charged in any such crimes.

Federal officials in June also seized 14 cassettes of taped phone conversations allegedly involving Maday. Among those conversations, according to the transcripts made by federal authorities, was one between Maday and Foutz, who is listed by his other name.

The transcripts show that in a conversation on Oct. 31, 1982, Foutz informed Maday he could get him two brothers, ages 11 and 12, for a couple of hours, for \$80. Maday offered \$60 for

See Life: Page A-15, Column 4

Continued from Page 1

both, or \$50 for one, according to the transcripts.

Foutz last week denied that he ever made such a call.

"I would never make a phone call offering a young kid," he said.

But Foutz agreed to talk about his childhood, in the hopes that he can warn others about child prostitution and help rid the streets of those who teach young boys "how to be whores." Close to 100 young boys in the Buffalo area sell themselves as prostitutes, authorities suspect. Police also have a list of roughly 20 adults — including a lawyer, a dentist, a schoolteacher — they believe use these boys.

"I think they're sick," Foutz said of the adults. "They enjoy the sex. I think they enjoy perverting the person. Maybe they were molested when they were a kid, and they want to take it out on other boys.

"They live in two separate worlds, the fantasy world of their sexual desires and their straight every-day life, going to a 9-to-5 job," he added.

Foutz talked about one man in particular, with whom he had a long-term relationship.

"It was mostly a father-son relationship," he said. "He literally gave me thousands of dollars over the years. When I graduated from basic training, he gave me a car . . . he only touched me five or six times in all the years I knew him. And he felt bad when he did it. I could tell."

Foutz said he has been arrested five or six times for prostitution, once in Buffalo. He served time only once, for five days in Rikers Island in New York City.

But Foutz, who has a high school equivalency degree and completed about 1½ years of college, has paid other ways.

"I've been under psychiatric care for years, off and on, because of what they did to my mind," he

me anymore. They stole my sexual desires and they perverted my mind."

Foutz described how child molesters approach young boys in the Buffalo area.

□ One man drives to South Buffalo and picks up young hitchhikers.

□ Another picks up young people's checks at restaurants and starts talking with them.

□ Some cruise certain areas of the city, like North Street and Lafayette Square, to pick up boys.

□ Others flock to the malls, where they place a couple of quarters on a video machine or a pinball game where a youngster is playing.

"They're very good," Foutz said. "They're seasoned. They know what they want, and they know how to get it."

Some officials don't like to admit it, but several child molesters have become volunteers with organizations that serve youths.

"Often these kids are the most susceptible," one Buffalo social worker explained. "At the same time, that's how (the child molesters) legitimize their relationships. They make it well-known that they're part of a legitimate organization, so there's no question why they're involved with kids."

Experts in the field say that child molesters vary greatly from the public's perception of them.

"It's not always the guy in the raincoat," the social worker said. "Very often, it's a guy who knows the child. Not many of the cases are spur-of-the-moment, grab-the-kid-off-the-street. Most often, they're relationships that have developed."

"That's why parents have to be nosy and get involved with their kids' activities," said Detective Martin J. Harrington of the Obscenity Unit in the Buffalo police Vice Squad.

Authorities offered that same advice this summer, after two Buffalo children, ages 8 and 9, were slain. The two men accused of killing the

teens attracted to the world of the streets?

For some, it's to find love and attention that they can't find at home. Foutz claims that, as a child, he was beaten regularly by a relative.

"A lot of these kids are runaways from institutions," Harrington said. "The word gets around that they can make easy money. They can turn three tricks for \$60. For a kid that's got no place to stay at night, that's a lot of money."

Foutz described his long-term relationship with one man in his 30s.

"If I ever needed any money, all I had to do was give him a call. He would give me whatever I wanted, \$20, \$30, \$40 or \$50. If I wanted a leather jacket, he would buy me a leather jacket."

Did that man love him?

"Yes, I think he did," Foutz replied.

"They get emotionally involved with kids," Harrington said of the men. "When they say they love a kid, they love a kid the way a man loves a woman."

Foutz believes that at least 400 to 500 young men between 13 and 20 get approached in an area like Buffalo. About 80 percent accept the offer, and maybe 20 percent become regular child prostitutes, he believes.

That doesn't last forever.

"Once you're over 20, you've got to find a new way of employment, believe me," Foutz said.

He's willing, if necessary, to testify against such men, including one molester in Buffalo who supposedly has used 20- and 21-year-olds to pick up 5- and 6-year-old boys for him.

"God forgive me," Foutz said, "but I'd like to see him die."